

REMARKS

Upon entry of this amendment, claims 44-49 are all the claims pending in the application. Claims 33-35, 37 and 39-43 have been canceled by this amendment, and claims 44-49 have been added as new claims. No new matter has been added.

I. Claim Rejections under 35 U.S.C. § 102

Claims 33-35, 37 and 39-43 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Berstis et al. (US 6,650,894).

Claims 33-35, 37 and 39-43 have been cancelled by this amendment, and have been replaced with new claims 44-49 in order to further distinguish the present invention from the Berstis reference. In this regard, Applicants respectfully submit that the above-noted rejection based on Berstis is inapplicable to the new claims for at least the following reasons.

Claim 44 is directed to a control server which comprises the features of a communication section for receiving, from the first apparatus when an output of the first apparatus changes, a first notification signal which indicates an output state of the first apparatus, and for receiving, from the second apparatus when an output of the second apparatus changes, a second notification signal which indicates an output state of the second apparatus; a determination section for acquiring, when the first notification signal is received, an inter-apparatus distance from the first apparatus to the second apparatus and determining whether the inter-apparatus distance is equal to or smaller than the first predetermined distance indicated by the numerical value described in the first control rule or is larger than the first predetermined distance, and for acquiring, when the second notification signal is received, an inter-apparatus distance from the second apparatus to the first apparatus and

determining whether the inter-apparatus distance is equal to or smaller than the second predetermined distance indicated by the numerical value described in the second control rule or is larger than the second predetermined distance; and an apparatus operation section for not changing the output state of the second apparatus when the inter-apparatus distance from the first apparatus to the second apparatus is determined to be larger than the first predetermined distance and changing the output state of the second apparatus when the inter-apparatus distance is determined to be equal to or smaller than the first predetermined distance, and for not changing the output state of the first apparatus when the inter-apparatus distance from the second apparatus to the first apparatus is determined to be larger than the second predetermined distance and changing the output state of the first apparatus when the inter-apparatus distance is determined to be equal to or smaller than the second predetermined distance.

Applicants respectfully submit that Berstis does not disclose or suggest the above-noted combination of features recited in claim 44.

Regarding Berstis, Applicants note that this reference discloses that, between 8 PM and 7 AM, turning off the audio output of a phone when within a particular proximity of another phone is higher in priority than increasing the volume of the audio output of the phone when the sound (decibel) level is detected to be above a predetermined level (see col. 5, lines 33-40).

Berstis also discloses that multiple conditions can be set, where each of the multiple conditions is adjusting a different type of usage level (see col. 5, lines 41-52). In addition, Berstis discloses that a parents' electronic device may transmit a control code to a child's electronic device to specify to reduce the volume of output of the child's electronic device

when the child's electronic device is within a particular proximity of the parents' electronic device (see col. 6, lines 8-20).

Based on the foregoing, Applicants note that while Berstis discloses that multiple conditions can be set, such as turning off the audio output of a phone when within a particular proximity of another phone and increasing the volume of the audio output when the sound level is detected to be above a predetermined level, that Berstis does not disclose the above-noted features recited in claim 44 of a communication section for receiving, from the first apparatus when an output of the first apparatus changes, a first notification signal which indicates an output state of the first apparatus, and for receiving, from the second apparatus when an output of the second apparatus changes, a second notification signal which indicates an output state of the second apparatus; a determination section for acquiring, when the first notification signal is received, an inter-apparatus distance from the first apparatus to the second apparatus and determining whether the inter-apparatus distance is equal to or smaller than the first predetermined distance indicated by the numerical value described in the first control rule or is larger than the first predetermined distance, and for acquiring, when the second notification signal is received, an inter-apparatus distance from the second apparatus to the first apparatus and determining whether the inter-apparatus distance is equal to or smaller than the second predetermined distance indicated by the numerical value described in the second control rule or is larger than the second predetermined distance; and an apparatus operation section for not changing the output state of the second apparatus when the inter-apparatus distance from the first apparatus to the second apparatus is determined to be larger than the first predetermined distance and changing the output state of the second apparatus when the inter-apparatus distance is determined to be equal to or smaller than the first

predetermined distance, and for not changing the output state of the first apparatus when the inter-apparatus distance from the second apparatus to the first apparatus is determined to be larger than the second predetermined distance and changing the output state of the first apparatus when the inter-apparatus distance is determined to be equal to or smaller than the second predetermined distance.

In view of the foregoing, Applicants respectfully submit that Berstis does not disclose, suggest or otherwise render obvious the above-noted features recited in claim 44. As such, Applicants submit that claim 44 is patentable over Berstis, an indication of which is kindly requested.

It is noted that by providing the above-noted features recited in claim 44, that the control server can control each output from a plurality of apparatuses (e.g., a first apparatus and second apparatus as recited in claim 44) in accordance with a characteristic specific to each of the apparatuses. For example, stored in the control server is a numerical value that is a basis for determining whether or not an output state of an operation target apparatus is to be changed for combinations between an output state of an apparatus (notification apparatus) that has a change in the output state thereof and another apparatus (operation target apparatus). The control server can determine whether or not to change the output state using a different basis for every combination of the operation target apparatus and the output state of the notification apparatus by using the stored numerical value.

For example, a telephone is not influenced much by other apparatuses, since a user brings the telephone close to his/her car for a call and the audio will directly enter his/her ear even if an inter-apparatus distance is relatively small. As another example, for a television receiver, the user will rarely use headphones or the like, and an audio will not directly enter

his/her ears since the user will listen to the audio at a position away from the television receiver for a certain degree when watching it in a living room or the like. Therefore, the television receiver is subjected to the influences of other apparatuses even if an inter-apparatus distance is relatively large.

Thus, an output of the telephone only needs to be controlled when the distance from another apparatus is very small, whereas an output of the television receiver needs to be controlled even if a distance from another apparatus is somewhat large. Therefore, an inter-apparatus distance and a characteristic specific to each apparatus need to be taken into consideration when properly controlling an output of each apparatus.

By providing the above-noted features recited in claim 44, the control server can determine whether or not to change the output state using a different basis for every combination of the operation target apparatus and the output state of the notification apparatus. For example, it is possible to set a short distance for the telephone, and an output can be controlled only when an inter-apparatus distance is even smaller than this short distance. Furthermore, for example, it is possible to set a long distance for the television receiver, and an output can be controlled only when an inter-apparatus distance is smaller than this long distance.

Based on the foregoing, it is noted that the control server having the above-noted features recited in claim 44 has an advantageous effect of being able to control each of the outputs from multiple apparatuses in accordance with characteristics that are specific to respective apparatuses.

Regarding claims 45-48, Applicants note that these claims depend from claim 44 and are therefore considered patentable at least by virtue of their dependency.

Regarding claim 49, Applicants note that this claim is a method claim that corresponds to claim 44. Accordingly, for reasons at least similar to those as discussed above in connection with claim 44, Applicants submit that claim 49 is patentable over Berstis, an indication of which is kindly requested.

II. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may best be resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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February 16, 2011